



Print Face Sheet

Print Current Case Summary

< Return

Incident Review

Investigation

Reporting Category

Category	Subcategory	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
18A FIREARM DISCHARGE WITH HITS / ON DUTY -	-	-	-	-	-	-	-
row(s) 1 - 1 of 1							

Log No: 1087659 Type:U

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content?	Approve Inclusion?
View 1	FACE SHEET	N/A	-	-	-	MACK, GINA	NOV-29-2017 15:05	-	-	-
View 2	CONFLICT CERTIFICATION	N/A	-	-	-	HRENO, STEFFANY	DEC-01-2017 08:26	-	-	-
View 3	GENERAL OFFENSE CASE REPORT	N/A	3	-	YES	HRENO, STEFFANY	DEC-01-2017 16:04	APPROVED	-	YES
View 4	DETECTIVE SUPPLEMENTARY REPORT	N/A	3	Morgue report	YES	HRENO, STEFFANY	DEC-01-2017 16:05	APPROVED	-	YES
View 5	TO/FROM REPORT	N/A	5	COPA preliminary report	YES	HRENO, STEFFANY	DEC-04-2017 09:00	APPROVED	-	YES
View 6	OEMC EVENT QUERY	N/A	2	Event queries for original shots fired (2:13pm)	YES	HRENO, STEFFANY	DEC-04-2017 09:01	APPROVED	-	YES
View 7	OEMC EVENT QUERY	N/A	59	Event queries for OIS (2:25pm)	YES	HRENO, STEFFANY	DEC-04-2017 09:03	APPROVED	-	YES
View 8	OEMC EVENT QUERY	N/A	10	Event queries (911 callers) from OIS	YES	HRENO, STEFFANY	DEC-04-2017 09:04	APPROVED	-	YES
View 9	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	6	Subpoena to CFD for EMS records	YES	HRENO, STEFFANY	DEC-04-2017 09:05	APPROVED	-	YES
View 10	O.E.M.C. (OEMC) REQUEST/HOLD	N/A	3	OEMC request for 911 calls, radio transmissions, PDT messages	YES	HRENO, STEFFANY	DEC-04-2017 09:06	APPROVED	-	YES
View 11	POD REQUEST	N/A	2	POD request (Pod number 7306)	YES	HRENO, STEFFANY	DEC-04-2017 09:08	APPROVED	-	YES
View 12	REQUEST FOR PHOTOS	N/A	2	Request for BWC (Officers Garcia and Gonzalez) and ICC for Vehicle 4606	YES	HRENO, STEFFANY	DEC-04-2017 09:09	APPROVED	-	YES
View 13	REPORT (OTHER)	N/A	1	Service call search for shots fired in vicinity of [REDACTED] on Nov. 29, 2017	YES	HRENO, STEFFANY	DEC-04-2017 09:11	APPROVED	-	YES
View 14	GPS DATA	N/A	3	GPS data for Beat 363B (1405 to 1430 hours)	YES	HRENO, STEFFANY	DEC-04-2017 09:11	APPROVED	-	YES
View 15	GPS DATA	N/A	97	GPS data from 1330 hrs to 1500 hrs on Nov. 29, 2017	YES	HRENO, STEFFANY	DEC-04-2017 09:13	APPROVED	-	YES
View 16	REPORT (OTHER)	N/A	5	Criminal history report for [REDACTED]	YES	HRENO, STEFFANY	DEC-04-2017 09:13	APPROVED	-	YES
View 17	MEDICAL RECORDS	N/A	4	Request to Stroger Hospital for [REDACTED] medical records	YES	HRENO, STEFFANY	AUG-10-2018 07:16	APPROVED	-	YES
View 18	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	Court notification for Officer Garcia (Dec. 7th at 1pm)	YES	HRENO, STEFFANY	DEC-04-2017 09:25	APPROVED	-	YES
View 19	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	Court notification for Officer Gonzalez (Dec. 7th at 2pm)	YES	HRENO, STEFFANY	DEC-04-2017 09:26	APPROVED	-	YES
View 20	INVENTORY SHEET	N/A	42	Inventory sheets	YES	HRENO, STEFFANY	DEC-04-2017 09:26	APPROVED	-	YES
21	REPORT (OTHER)	N/A	2	Potential witnesses identified by CPD (list	YES	HRENO,	DEC-04-	APPROVED	-	YES

[View](#)

given to COPA by Sgt. Flaherty on Nov. 29, 2017)

STEFFANY 2017
09:28[View](#)

22 TO/FROM REPORT

N/A

1

To/from regarding officer firearm processing

YES

HRENO,
STEFFANYDEC-04-
2017
09:29

APPROVED -

YES

[View](#)

23 REPORT (OTHER)

N/A

1

Letter to Officer Garcia

YES

HRENO,
STEFFANYDEC-04-
2017
09:30

APPROVED -

YES

[View](#)

24 LETTER TO VICTIM

N/A

1

Letter to Lashundia Key ([REDACTED] mother), sent via certified mail number 7013109000008575367

YES

HRENO,
STEFFANYDEC-04-
2017
09:32

APPROVED -

YES

[View](#)

25 TO/FROM REPORT

N/A

3

To/from re observations at Stroger Hospital and postmortem examination of [REDACTED]

YES

HRENO,
STEFFANYDEC-04-
2017
09:33

APPROVED -

YES

[View](#)

26 EVIDENCE SHEET

N/A

1

Firearms processing worksheet for Glock 43 recovered from the scene, serial number ZSU918

YES

HRENO,
STEFFANYDEC-04-
2017
09:34

APPROVED -

YES

[View](#)

27 EVIDENCE SHEET

N/A

1

Firearms processing worksheet for Officer Garcia's Glock 17, serial number AADW849

YES

HRENO,
STEFFANYDEC-04-
2017
09:35

APPROVED -

YES

[View](#)

28 REPORT (OTHER)

N/A

2

Request for ATF firearm trace on Glock 43 recovered from scene

YES

HRENO,
STEFFANYDEC-04-
2017
09:37

APPROVED -

YES

[View](#)

29 REQUEST FOR PHOTOS

N/A

2

Request for ET photos

YES

HRENO,
STEFFANYDEC-04-
2017
09:38

APPROVED -

YES

[View](#)

30 MEDICAL RECORDS

N/A

2

Request for ME's records

YES

HRENO,
STEFFANYDEC-04-
2017
10:30

APPROVED -

YES

[View](#)

31 MEDICAL RECORDS

N/A

2

Request for ME's photos

YES

HRENO,
STEFFANYDEC-04-
2017
10:31

APPROVED -

YES

[View](#)

32 ATTENDANCE AND ASSIGNMENT RECORD

N/A

5

A & A sheets, 4th watch, Unit 003, Nov. 29, 2017

YES

HRENO,
STEFFANYDEC-04-
2017
10:31

APPROVED -

YES

[View](#)

33 TO/FROM REPORT

N/A

2

Request for MIN report

YES

HRENO,
STEFFANYDEC-04-
2017
11:44

APPROVED -

YES

[View](#)

34 REPORT (OTHER)

N/A

2

ATF Firearm Trace #T20170390250

YES

HRENO,
STEFFANYDEC-04-
2017
13:24

APPROVED -

YES

[View](#)

35 CRIME SCENE PROCESSING REPORT

N/A

2

Crime Scene Processing Report #354775

YES

HRENO,
STEFFANYDEC-04-
2017
13:26

APPROVED -

YES

[View](#)

36 CRIME SCENE PROCESSING REPORT

N/A

2

Crime Scene Processing Report #354872

YES

HRENO,
STEFFANYDEC-04-
2017
13:27

APPROVED -

YES

[View](#)

37 TO/FROM REPORT

N/A

1

Report from A. Kurylowicz confirming that she observed the evidence collection from the scene.

YES

HRENO,
STEFFANYDEC-04-
2017
16:13

APPROVED -

YES

[View](#)

38 TO/FROM REPORT

N/A

2

Report from A. Kurylowicz re observations at Medical Examiner's office.

YES

HRENO,
STEFFANYDEC-04-
2017
16:14

APPROVED -

YES

[View](#)

39 CRIME SCENE PROCESSING REPORT

N/A

10

Crime Scene Processing Report 354764 (Main)

YES

HRENO,
STEFFANYDEC-05-
2017
13:21

APPROVED -

YES

[View](#)

40 TACTICAL RESPONSE REPORT (TRR)

N/A

3

Officer Garcia's TRR

YES

HRENO,
STEFFANYDEC-05-
2017
14:18

APPROVED -

YES

[View](#)

41 ARREST REPORT

N/A

3

Arrest report for [REDACTED] Nov. 29, 2017

YES

HRENO,
STEFFANYDEC-05-
2017
14:36

APPROVED -

YES

[View](#)

42 DETECTIVE SUPPLEMENTARY REPORT

N/A

3

Method/CAU code detective supp

YES

HRENO,
STEFFANYDEC-05-
2017
14:37

APPROVED -

YES

[View](#)

43 REPORT (OTHER)

N/A

1

ISP request for latents/ballistics/GSR on recovered evidence

YES

HRENO,
STEFFANYDEC-06-
2017
16:15

APPROVED -

YES

[View](#)

44 EVIDENCE SHEET

N/A

1

[REDACTED] Illinois ID card

YES

HRENO,
STEFFANYDEC-06-
2017
16:16

APPROVED -

YES

[View](#)

45 VIDEO RECORDING

N/A

1

POD 7306 video from Nov. 29, 2017, 1400-1500 hours, DVD in hard copy of file. Also available on OneDrive.

YES

HRENO,
STEFFANYDEC-06-
2017
16:17

APPROVED -

YES

[View](#)

46 VIDEO RECORDING

N/A

1

BWC footage from Officer Garcia and Officer Gonzalez, DVD in hard copy of file. Also available on OneDrive.

YES

HRENO,
STEFFANYDEC-06-
2017
16:19

APPROVED -

YES

[View](#)

47 DETECTIVE SUPPLEMENTARY REPORT

N/A

8

CPD canvass report (detective supp)

YES

HRENO,
STEFFANYDEC-07-
2017
09:04

APPROVED -

YES

[View](#)

48 VIDEO RECORDING

N/A

3

BWC footage from the incident (68 videos total), videos available on OneDrive.

NO

HRENO,
STEFFANYDEC-07-
2017
09:23

APPROVED -

YES

[View](#)

49 AUDIO INTERVIEW

N/A

1

Audio recorded statements of Officer Julio Garcia and Officer Juan Gonzalez, CD in

YES

HRENO,
STEFFANYDEC-07-
2017

APPROVED -

YES

				hard copy of file. Also available on OneDrive.		15:41			
View	50	EVIDENCE SHEET	N/A	1	Exhibit 1 to statement of Officer Garcia	YES	HRENO, STEFFANY	DEC-07-2017 15:42	APPROVED - YES
View	51	EVIDENCE SHEET	N/A	1	Exhibit 2 to statement of Officer Garcia	YES	HRENO, STEFFANY	DEC-07-2017 15:42	APPROVED - YES
View	52	EVIDENCE SHEET	N/A	1	Exhibit 3 to statement of Officer Garcia	YES	HRENO, STEFFANY	DEC-07-2017 15:43	APPROVED - YES
View	53	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	Compelled statement rights signed by Officer Garcia	YES	HRENO, STEFFANY	DEC-07-2017 15:43	APPROVED - YES
View	54	REPORT (OTHER)	N/A	1	Officer Garcia's acknowledgement of receipt of CD of audio recorded statement	YES	HRENO, STEFFANY	DEC-07-2017 15:45	APPROVED - YES
View	55	EVIDENCE SHEET	N/A	1	Exhibit 1 to statement of Officer Gonzalez	YES	HRENO, STEFFANY	DEC-07-2017 15:46	APPROVED - YES
View	56	REPORT (OTHER)	N/A	1	Officer Gonzalez's acknowledgement of receipt of CD of audio recorded statement	YES	HRENO, STEFFANY	DEC-11-2017 16:07	APPROVED - YES
View	57	REPORT (OTHER)	N/A	2	Major Incident Notification Detail Report	YES	HRENO, STEFFANY	DEC-08-2017 11:40	APPROVED - YES
View	58	PHOTOGRAPH	N/A	55	ET Photos of crime scene at [REDACTED]	YES	HRENO, STEFFANY	DEC-08-2017 11:41	APPROVED - YES
View	59	PHOTOGRAPH	N/A	17	ET Photos of apartment complex at [REDACTED]	YES	HRENO, STEFFANY	DEC-08-2017 11:55	APPROVED - YES
View	60	PHOTOGRAPH	N/A	20	ET Photos of [REDACTED] and his clothing	YES	HRENO, STEFFANY	DEC-08-2017 12:06	APPROVED - YES
View	61	PHOTOGRAPH	N/A	14	ET Photos of officers after the incident.	YES	HRENO, STEFFANY	DEC-08-2017 12:07	APPROVED - YES
View	62	AMBULANCE REPORT/SHEET	N/A	11	Ambulance report and CFD run sheets from the incident	YES	HRENO, STEFFANY	DEC-12-2017 11:23	APPROVED - YES
View	63	TO/FROM REPORT	N/A	1	To/from from Inv. Pierce re canvass results (conversation with [REDACTED] and [REDACTED])	YES	HRENO, STEFFANY	DEC-12-2017 11:25	APPROVED - YES
View	64	CANVASS SHEETS	N/A	6	Canvass sheets from Dec. 8, 2017	YES	HRENO, STEFFANY	DEC-12-2017 11:36	APPROVED - YES
View	65	AUDIO RECORDING	N/A	3	Audio of eleven 911 calls (including three calls from original shots fired at 2:13pm and 8 calls from OIS at 2:25pm) and Zone 7 radio transmissions from 2:11:38pm to 3:09:40pm on Nov. 29, 2017, CD in paper file. Also available on OneDrive.	YES	HRENO, STEFFANY	DEC-12-2017 15:22	APPROVED - YES
View	66	TO/FROM REPORT	N/A	3	To/from re follow-up with 911 callers	YES	HRENO, STEFFANY	DEC-13-2017 15:15	APPROVED - YES
View	67	CANVASS SHEETS	N/A	1	Additional canvass sheet from December 8, 2017 canvass of [REDACTED]	YES	HRENO, STEFFANY	DEC-14-2017 10:35	APPROVED - YES
View	68	LETTER TO WITNESS	N/A	4	Certified letters sent to witnesses [REDACTED] and [REDACTED] at [REDACTED] (the mother of juvenile witness [REDACTED]) at [REDACTED].	YES	HRENO, STEFFANY	DEC-14-2017 10:37	APPROVED - YES
View	69	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	[REDACTED] consent to record form	YES	HRENO, STEFFANY	DEC-15-2017 13:48	APPROVED - YES
View	70	SWORN AFFIDAVIT - NO CONTACT	N/A	1	[REDACTED] sworn affidavit	YES	HRENO, STEFFANY	DEC-15-2017 13:50	APPROVED - YES
View	71	CONSENT FOR INTERVIEW WITH JUVENILE	N/A	1	Consent for juvenile interview [REDACTED]	YES	HRENO, STEFFANY	DEC-15-2017 13:51	APPROVED - YES
View	72	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	[REDACTED] consent to record form	YES	HRENO, STEFFANY	DEC-15-2017 13:51	APPROVED - YES
View	73	SWORN AFFIDAVIT - NO CONTACT	N/A	1	[REDACTED] affidavit	YES	HRENO, STEFFANY	DEC-15-2017 13:52	APPROVED - YES
View	74	AUDIO INTERVIEW	N/A	1	Audio recorded statements of witnesses [REDACTED] and [REDACTED] CD in paper file. Also available on OneDrive.	YES	HRENO, STEFFANY	DEC-19-2017 09:23	APPROVED - YES
View	75	IAD SYNOPSIS REPORT	N/A	12	Synopsis report for Officer Garcia	YES	HRENO, STEFFANY	DEC-19-2017 09:25	APPROVED - YES

View	76	TO/FROM REPORT	N/A	1	Request for GPRs and Detective File	YES	HRENO, STEFFANY	DEC-19-2017 09:26	APPROVED -	YES
View	77	STATEMENT OF POLICE OFFICER	N/A	58	Transcribed statement of Officer Julio Garcia	YES	HRENO, STEFFANY	DEC-19-2017 09:29	APPROVED -	YES
View	78	PHOTOGRAPH	N/A	2	ME's photographs, 2 CDs in paper file. Also available on OneDrive.	YES	HRENO, STEFFANY	DEC-19-2017 09:30	APPROVED -	YES
View	79	CRIME SCENE PROCESSING REPORT	N/A	2	Crime Scene Processing Report 354781	YES	HRENO, STEFFANY	DEC-21-2017 11:23	APPROVED -	YES
View	80	REPORT (OTHER)	N/A	1	Response to request for BWC and ICC (no ICC found)	YES	HRENO, STEFFANY	DEC-21-2017 11:23	APPROVED -	YES
View	81	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	Request for witness officer statement-- PO Kevin Stephans	YES	HRENO, STEFFANY	DEC-21-2017 11:28	APPROVED -	YES
View	82	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	Court notification for Officer Stephans	YES	HRENO, STEFFANY	DEC-21-2017 11:29	APPROVED -	YES
View	83	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	Request for witness officer statement-- PO Teryka Powell	YES	HRENO, STEFFANY	DEC-21-2017 11:30	APPROVED -	YES
View	84	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	Court notification for Officer Powell	YES	HRENO, STEFFANY	DEC-21-2017 11:30	APPROVED -	YES
View	85	LETTER TO WITNESS	N/A	3	Certified letters sent to additional addresses for witness [REDACTED] and [REDACTED] witness [REDACTED]	YES	HRENO, STEFFANY	DEC-21-2017 13:44	APPROVED -	YES
View	86	STATEMENT OF POLICE OFFICER	N/A	49	Transcribed statement of Officer Juan Gonzalez	YES	HRENO, STEFFANY	DEC-21-2017 16:33	APPROVED -	YES
View	87	MEDICAL RECORDS	N/A	131	Medical records from Stroger Hospital	YES	HRENO, STEFFANY	AUG-10-2018 07:36	APPROVED -	YES
View	88	REPORT (OTHER)	N/A	2	Court notification for Officer Williams	YES	HRENO, STEFFANY	JAN-02-2018 16:12	APPROVED -	YES
View	89	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	Request for interview- Officer Williams	YES	HRENO, STEFFANY	JAN-02-2018 16:14	APPROVED -	YES
View	90	DETECTIVE SUPPLEMENTARY REPORT	N/A	48	Detective file and GPRs	YES	HRENO, STEFFANY	JAN-04-2018 11:25	APPROVED -	YES
View	91	AUDIO INTERVIEW	N/A	1	Officer Kevin Stephans audio recorded statement, CD in paper file	YES	HRENO, STEFFANY	JAN-05-2018 08:40	APPROVED -	YES
View	92	AUDIO INTERVIEW	N/A	1	Officer Kevin Stephans' signed receipt of CD of audio recorded statement	YES	HRENO, STEFFANY	JAN-05-2018 08:41	APPROVED -	YES
View	93	RELEASE OF DUTY RESTRICTIONS	N/A	1	Return to duty letter for Officer Garcia	YES	HRENO, STEFFANY	JAN-08-2018 13:01	APPROVED -	YES
View	94	INTERVIEW - WITNESS	N/A	31	Transcribed statement of witness [REDACTED]	YES	HRENO, STEFFANY	JAN-09-2018 10:56	APPROVED -	YES
View	95	INTERVIEW - WITNESS	N/A	19	Transcribed statement of witness [REDACTED]	YES	HRENO, STEFFANY	JAN-09-2018 10:57	APPROVED -	YES
View	96	TO/FROM REPORT	N/A	1	Second request for detective file (detective file already received only included GPRs, missing handwritten supp)	YES	HRENO, STEFFANY	JAN-18-2018 08:55	APPROVED -	YES
View	97	STATEMENT OF POLICE OFFICER	N/A	1	Audio recorded statements of PPO Nija Williams and PO Teryka Powell, CD in paper file	YES	HRENO, STEFFANY	JAN-22-2018 09:44	APPROVED -	YES
View	98	REPORT (OTHER)	N/A	1	Acknowledgement of receipt of CD containing audio recorded statement from PPO Nija Williams	YES	HRENO, STEFFANY	JAN-22-2018 09:44	APPROVED -	YES
View	99	DETECTIVE SUPPLEMENTARY REPORT	N/A	1	Supplementary report completed by PPO Nija Williams and FTO Jennifer Thomas	YES	HRENO, STEFFANY	JAN-22-2018 09:45	APPROVED -	YES
View	100	REPORT (OTHER)	N/A	1	Acknowledgment of receipt of CD containing audio recorded statement of Officer Teryka Powell	YES	HRENO, STEFFANY	JAN-22-2018 10:38	APPROVED -	YES
View	101	AUDIO INTERVIEW	N/A	1	Audio recorded statements of paramedics Edward Snarskis and Howard Johnson, CD in paper file	YES	HRENO, STEFFANY	JAN-24-2018 14:46	APPROVED -	YES
View	102	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to record-- Paramedic in charge Edward Snarskis	YES	HRENO, STEFFANY	JAN-24-2018 14:47	APPROVED -	YES
View	103	SWORN AFFIDAVIT - REFUSED	N/A	1	Sworn affidavit of paramedic in charge Edward Snarskis	YES	HRENO, STEFFANY	JAN-24-2018	APPROVED -	YES

View	104	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to record: paramedic Howard Johnson	YES	HRENO, STEFFANY	14:48 JAN-24-2018 14:49	APPROVED -	YES
View	105	SWORN AFFIDAVIT - REFUSED	N/A	1	Sworn affidavit of paramedic Howard Johnson	YES	HRENO, STEFFANY	14:50 JAN-24-2018 14:50	APPROVED -	YES
View	106	VIDEO RECORDING	N/A	14	CPD response to request for BWC and ICC.	YES	HRENO, STEFFANY	15:57 JAN-25-2018 15:57	APPROVED -	YES
View	107	VIDEO RECORDING	N/A	10	Additional 63 BWC videos and 84 ICC videos (147 total new videos, in addition to the 68 video files in Attachment 48), available on the OneDrive.	YES	HRENO, STEFFANY	11:17 JAN-30-2018 11:17	APPROVED -	YES
View	108	DETECTIVE SUPPLEMENTARY REPORT	N/A	5	Det. supp: progress report for JA529767 (Jan. 7, 2018)	YES	HRENO, STEFFANY	14:56 FEB-05-2018 14:56	APPROVED -	YES
View	109	DETECTIVE SUPPLEMENTARY REPORT	N/A	5	Det. supp: canvass report for JA529767 (Jan. 24, 2018)	YES	HRENO, STEFFANY	14:57 FEB-05-2018 14:57	APPROVED -	YES
View	110	DETECTIVE SUPPLEMENTARY REPORT	N/A	17	Final detective supp for JA529767	YES	HRENO, STEFFANY	14:57 FEB-05-2018 14:57	APPROVED -	YES
View	111	DETECTIVE SUPPLEMENTARY REPORT	N/A	4	Det. supp: suspended, JA529767	YES	HRENO, STEFFANY	14:58 FEB-05-2018 14:58	APPROVED -	YES
View	112	GENERAL OFFENSE CASE REPORT	N/A	2	Original case incident report, JA530257 (IUCR Code 5103: Law Enforcement Related Death: OIS)	YES	HRENO, STEFFANY	14:59 FEB-05-2018 14:59	APPROVED -	YES
View	113	DETECTIVE SUPPLEMENTARY REPORT	N/A	3	Method/Cau report, JA530257 (IUCR Code 5103: Law Enforcement Related Death: OIS)	YES	HRENO, STEFFANY	15:00 FEB-05-2018 15:00	APPROVED -	YES
View	114	DETECTIVE SUPPLEMENTARY REPORT	N/A	3	Case supp. report: suspended, JA530257 (IUCR Code 5103: Law Enforcement Related Death: OIS)	YES	HRENO, STEFFANY	15:00 FEB-05-2018 15:00	APPROVED -	YES
View	115	MEDICAL RECORDS	N/A	15	Medical Examiner's report, cause of death: multiple gunshot wounds	YES	HRENO, STEFFANY	08:24 FEB-14-2018 08:24	APPROVED -	YES
View	116	REPORT (OTHER)	N/A	1	ATF Firearms Trace on [REDACTED] Glock Model 43 pistol	YES	HRENO, STEFFANY	16:18 FEB-15-2018 16:18	APPROVED -	YES
View	117	LEADS RESPONSE	N/A	3	Leads response for [REDACTED]	YES	HRENO, STEFFANY	16:18 FEB-15-2018 16:18	APPROVED -	YES
View	118	MEDICAL RECORDS	N/A	31	ME's Investigations Case Report and diagram of injuries	YES	HRENO, STEFFANY	16:20 FEB-15-2018 16:20	APPROVED -	YES
View	119	CRIME SCENE PROCESSING REPORT	N/A	3	Crime scene processing report 354781 (samples and fired bullet recovered from ME's office)	YES	HRENO, STEFFANY	16:21 FEB-15-2018 16:21	APPROVED -	YES
View	120	EVIDENCE SHEET	N/A	8	ET Plats of shooting scene	YES	HRENO, STEFFANY	16:23 FEB-15-2018 16:23	APPROVED -	YES
View	121	REPORT (OTHER)	N/A	250	COMPLETE detective file for JA529767, including all GPRs, handwritten supps, etc. (pages 1-250 only)	YES	HRENO, STEFFANY	16:25 FEB-15-2018 16:25	APPROVED -	YES
View	122	REPORT (OTHER)	N/A	236	COMPLETE detective file for JA529767 (pages 250-486)	YES	HRENO, STEFFANY	16:28 FEB-15-2018 16:28	APPROVED -	YES
View	123	ILLINOIS STATE POLICE FORENSIC SCIENCE CENTER (REPORT)	N/A	3	ISP firearms report dated 2/8/2018	YES	HRENO, STEFFANY	15:40 MAR-01-2018 15:40	APPROVED -	YES
View	124	LETTER TO WITNESS	N/A	2	Letters sent to [REDACTED] returned to sender	YES	HRENO, STEFFANY	09:16 MAR-14-2018 09:16	APPROVED -	YES
View	125	LETTER TO WITNESS	N/A	1	Letters to [REDACTED] and [REDACTED] aunt returned to sender and proof of delivery	YES	HRENO, STEFFANY	09:18 MAR-14-2018 09:18	APPROVED -	YES
View	126	TO/FROM REPORT	N/A	2	To/from re attempts to contact witnesses [REDACTED] and [REDACTED]	YES	HRENO, STEFFANY	15:19 MAR-15-2018 15:19	APPROVED -	YES
View	127	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	1	Subpoena to DOL for a copy of the civil lawsuit filed in case number 2018-L-002421, Lashundia Key v. City of Chicago.	YES	HRENO, STEFFANY	13:45 MAR-21-2018 13:45	APPROVED -	YES
View	128	TO/FROM REPORT	N/A	2	RCFL report on Night Owl DVD player recovered from 6124 S. King Dr. (no video found)	YES	HRENO, STEFFANY	09:58 MAY-08-2018 09:58	APPROVED -	YES
View	129	ILLINOIS STATE POLICE FORENSIC SCIENCE CENTER (REPORT)	N/A	2	ISP report dated 29 May 2018 from latents section- no usable prints	YES	HRENO, STEFFANY	15:17 JUN-04-2018 15:17	APPROVED -	YES
View	130	PHOTOGRAPH	N/A	1	DVD from RCFL containing enhanced images from Officer Garcia and Officer Gonzalez' BWC videos, DVD in paper file. Also available on OneDrive.	YES	HRENO, STEFFANY	15:28 JUN-04-2018 15:28	APPROVED -	YES

View	131	TO/FROM REPORT	N/A	2	RCFL examination report	YES	HRENO, STEFFANY	JUL-11-2018 16:13	APPROVED -	YES
View	132	ILLINOIS STATE POLICE FORENSIC SCIENCE CENTER (REPORT)	N/A	3	ISP firearms report dated 19 June 2018	YES	HRENO, STEFFANY	JUL-11-2018 16:14	APPROVED -	YES
View	133	TO/FROM REPORT	N/A	1	Correction to the transcription of Officer Gonzalez's statement	YES	HRENO, STEFFANY	SEP-05-2018 15:20	APPROVED -	YES
View	134	INVENTORY SHEET	N/A	1	RD #JA560144, Inventory #14068349 (ISP firearms report indicated a possible association with recovered firearms evidence)	YES	HRENO, STEFFANY	SEP-07-2018 13:25	APPROVED -	YES
View	135	GENERAL OFFENSE CASE REPORT	N/A	5	RD #JA560144 case incident report (12/22/17 arrest of [REDACTED] and the recovery of a weapon associated with a casing recovered in the [REDACTED] OIS)	YES	HRENO, STEFFANY	SEP-07-2018 13:29	APPROVED -	YES
View	136	ARREST REPORT	N/A	6	RD #JA560144 12/22/17 Arrest Report of [REDACTED]	YES	HRENO, STEFFANY	SEP-07-2018 13:30	APPROVED -	YES
View	137	GENERAL OFFENSE CASE REPORT	N/A	3	RD #HY537298 case incident report (Dec. 2015 agg battery case in which [REDACTED] was shot in the left ribs, bullet lodged)	YES	HRENO, STEFFANY	SEP-07-2018 16:07	APPROVED -	YES
View	138	INVENTORY SHEET	N/A	2	Inventory 14053046 (fired bullet recovered from [REDACTED] during surgery at Stroger Hospital on 29 Nov. 2017, not originally submitted to ISP due to inventory under secondary RD #JA530257)	YES	HRENO, STEFFANY	SEP-12-2018 10:10	APPROVED -	YES
View	139	EVIDENCE SHEET	N/A	1	10 Sept. 2018 ISP evidence submission form requesting comparison of Officer Garcia's firearm (Inv. 14052862) and the fired bullet recovered from [REDACTED] at Stroger Hospital (Inv. 14053046)	YES	HRENO, STEFFANY	SEP-12-2018 10:12	APPROVED -	YES
View	140	ATTENDANCE AND ASSIGNMENT RECORD	N/A	3	A & A sheets, 4th watch, Unit 003, Nov. 29, 2017 (with vehicle assignments)	YES	HRENO, STEFFANY	SEP-14-2018 14:11	APPROVED -	YES
View	141	REPORT (OTHER)	N/A	2	Unit information for 2015 Ford Interceptor (Vehicle #4606)	YES	HRENO, STEFFANY	SEP-14-2018 14:12	APPROVED -	YES
View	142	PHOTOGRAPH	N/A	3	Google Earth photos of 6124 and 6204 S. King Drive (nearly identical "big yellow buildings," but only 6204 is directly across the street from the 911 caller)	YES	HRENO, STEFFANY	SEP-17-2018 14:53	APPROVED -	YES
View	143	TO/FROM REPORT	N/A	1	Summary of statement of paramedic in charge Edward Snarskis	YES	HRENO, STEFFANY	SEP-21-2018 11:49	APPROVED -	YES
View	144	TO/FROM REPORT	N/A	1	Summary of statement of candidate paramedic Howard Johnson	YES	HRENO, STEFFANY	SEP-21-2018 11:50	APPROVED -	YES
View	145	TO/FROM REPORT	N/A	2	Summary of statement of PPO Nija Williams #13266	YES	HRENO, STEFFANY	SEP-21-2018 11:51	APPROVED -	YES
View	146	VIDEO RECORDING	N/A	1	Crime scene video, DVD in paper file. Also uploaded to OneDrive.	YES	HRENO, STEFFANY	OCT-10-2018 11:48	APPROVED -	YES
View	147	ILLINOIS STATE POLICE FORENSIC SCIENCE CENTER (REPORT)	N/A	3	ISP firearms report dated October 29, 2018	YES	HRENO, STEFFANY	NOV-07-2018 15:40	APPROVED -	YES
View	148	CRIME SCENE PROCESSING REPORT	N/A	1	Crime scene report 354787 (under JA530524); recovery of fired bullet removed from [REDACTED] at Stroger Hospital	YES	HRENO, STEFFANY	NOV-08-2018 14:56	APPROVED -	YES
View	149	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	1	Second subpoena to DOL for the complaint and discovery in Lashundia Key et al. v. Julio Garcia and the City of Chicago (Circuit Court of Cook County Case # 18 L 2421)	YES	HRENO, STEFFANY	DEC-13-2018 09:53	APPROVED -	YES
View	150	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	9	Complaint filed in Lashundia Key et al. v Julio Garcia and the City of Chicago (Case #18 L 2421)	YES	HRENO, STEFFANY	DEC-13-2018 09:47	APPROVED -	YES
View	151	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	27	Deposition transcript of [REDACTED] October 23, 2018	YES	HRENO, STEFFANY	DEC-13-2018 09:50	APPROVED -	YES
View	152	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	36	Deposition transcript of [REDACTED] [REDACTED] October 18, 2018	YES	HRENO, STEFFANY	DEC-13-2018 09:48	APPROVED -	YES
View	153	CONFLICT CERTIFICATION	N/A	-	-	-	COLEMAN, ROBERT	JAN-30-2019 09:44	-	-
View	154	STATEMENT OF POLICE OFFICER	N/A	25	Transcribed statement of Officer Teryka Powell	YES	HRENO, STEFFANY	JUN-20-2019 13:22	APPROVED -	YES
View	155	STATEMENT OF POLICE OFFICER	N/A	19	Transcribed statement of Officer Nija Williams	YES	HRENO, STEFFANY	JUN-20-2019 13:23	APPROVED -	YES
View	156	INTERVIEW - WITNESS	N/A	11	Transcribed statement of Paramedic Snarskis	YES	HRENO, STEFFANY	JUN-20-2019	APPROVED -	YES

View	157	INTERVIEW - WITNESS	N/A	9	Transcribed statement of Paramedic Johnson	YES	HRENO, STEFFANY	13:24 JUN-20-2019 13:25	APPROVED -	YES
View	158	STATEMENT OF POLICE OFFICER	N/A	32	Transcribed statement of Officer Kevin Stephans	YES	HRENO, STEFFANY	JUN-26-2019 08:13	APPROVED -	YES
View	159	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	35	Deposition transcript of [REDACTED]	YES	HRENO, STEFFANY	AUG-29-2019 15:19	APPROVED -	YES
View	160	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	26	Deposition transcript of [REDACTED]	YES	HRENO, STEFFANY	AUG-29-2019 15:20	APPROVED -	YES
View	161	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	1	Subpoena to DOL for additional deposition transcripts	YES	HRENO, STEFFANY	AUG-29-2019 15:21	APPROVED -	YES
View	162	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	50	Deposition transcript of ISP firearms expert Diana Pratt	YES	HRENO, STEFFANY	SEP-06-2019 15:30	APPROVED -	YES
View	163	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	226	Deposition transcript of Office Julio Garcia	YES	HRENO, STEFFANY	SEP-06-2019 15:36	APPROVED -	YES
View	164	INVESTIGATOR CASE LOG	N/A	10	Investigator's case log	YES	HRENO, STEFFANY	SEP-09-2019 09:56	APPROVED -	YES
View	165	SUMMARY REPORT	N/A	24	-	YES	HRENO, STEFFANY	SEP-13-2019 08:27	APPROVED -	YES

row(s) 1 - 165 of 165

Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents

☒ **TIP** Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

Log No./Tracking No.	Type	Comments
19570356	RELATED - ARREST -	

row(s) 1 - 1 of 1

Status History

☒ **TIP** Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned/ Detailed Unit	Comments
CLOSED AT C.O.P.A.	13-SEP-2019 08:34	COLEMAN, ROBERT	INVESTIGATOR	[REDACTED]	113 / -	-
CLOSED/FINAL	13-SEP-2019 08:33	COLEMAN, ROBERT	INVESTIGATOR	[REDACTED]	113 / -	-
PENDING INVESTIGATIVE REVIEW	13-SEP-2019 08:30	COLEMAN, ROBERT	INVESTIGATOR	[REDACTED]	113 / -	-
PENDING INVESTIGATIVE REVIEW	13-SEP-2019 08:28	HRENO, STEFFANY	UNKNOWN	[REDACTED]	113 / -	-
PENDING ADDITIONAL INVESTIGATION	13-SEP-2019 08:19	COLEMAN, ROBERT	INVESTIGATOR	[REDACTED]	113 / -	-
PENDING INVESTIGATIVE REVIEW	09-SEP-2019 09:56	HRENO, STEFFANY	UNKNOWN	[REDACTED]	113 / -	-
PENDING INVESTIGATION	29-AUG-2019 15:03	COLEMAN, ROBERT	INVESTIGATOR	[REDACTED]	113 / -	-
PENDING INVESTIGATIVE REVIEW	01-JUL-2019 11:07	HRENO, STEFFANY	UNKNOWN	[REDACTED]	113 / -	-
PENDING INVESTIGATION	20-JUN-2019 13:18	COLEMAN, ROBERT	INVESTIGATOR	[REDACTED]	113 / -	-
PENDING INVESTIGATIVE REVIEW	17-APR-2019 07:46	HRENO, STEFFANY	UNKNOWN	[REDACTED]	113 / -	-
PENDING INVESTIGATION	30-JAN-2019 09:44	COLEMAN, ROBERT	INVESTIGATOR	[REDACTED]	113 / -	-
PENDING ASSIGN INVESTIGATOR	15-JAN-2019 18:03	KERSTEN, ANDREA	DEPUTY CHIEF ADMINISTRATOR	[REDACTED]	113 / -	-
PENDING INVESTIGATION	30-NOV-2017 16:33	OLVERA, MARIA	SUPERVISING INV COPA	[REDACTED]	113 / -	-
PENDING ASSIGN INVESTIGATOR	30-NOV-2017 16:32	OLVERA, MARIA	SUPERVISING INV COPA	[REDACTED]	113 / -	-
PENDING ASSIGN TEAM	30-NOV-2017 14:27	PFEIFER, ADAM	SUPERVISING INV COPA	[REDACTED]	113 / -	-
PENDING SUPERVISOR REVIEW	30-NOV-2017 14:26	PFEIFER, ADAM	SUPERVISING INV COPA	[REDACTED]	113 / -	-
PRELIMINARY	30-NOV-2017 14:26	PFEIFER, ADAM	SUPERVISING INV COPA	[REDACTED]	113 / -	-
PRELIMINARY	30-NOV-2017 14:25	PFEIFER, ADAM	SUPERVISING INV COPA	[REDACTED]	113 / -	-
PRELIMINARY	30-NOV-2017 14:25	PFEIFER, ADAM	SUPERVISING INV COPA	[REDACTED]	113 / -	location code
PENDING SUPERVISOR REVIEW	30-NOV-2017 11:29	OLVERA, MARIA	SUPERVISING INV COPA	[REDACTED]	113 / -	-
PRELIMINARY	30-NOV-2017 11:20	HRENO, STEFFANY	UNKNOWN	[REDACTED]	113 / -	-
PRELIMINARY	30-NOV-2017 11:20	HRENO, STEFFANY	UNKNOWN	[REDACTED]	113 / -	-
PRELIMINARY	30-NOV-2017 09:08	OLVERA, MARIA	SUPERVISING INV COPA	[REDACTED]	113 / -	MCS to update the face sheet
PRELIMINARY	30-NOV-2017 08:57	OLVERA, MARIA	SUPERVISING INV COPA	[REDACTED]	113 / -	-
PRELIMINARY	29-NOV-2017 15:05	MACK, GINA	INVESTIGATOR I COPA	[REDACTED]	113 / -	-

Command Channel Reviewers

No Command Channel Reviewers have been assigned.

SUMMARY REPORT OF INVESTIGATION**I. EXECUTIVE SUMMARY**

Date of Incident:	November 29, 2017
Time of Incident:	2:25 pm
Location of Incident:	██ Chicago, IL 60637
Date of COPA Notification:	November 29, 2017
Time of COPA Notification:	3:05 pm

On November 29, 2017, Officers Julio Garcia and Juan Gonzalez were working as tactical officers in the 3rd District, assigned to Beat 363B. At approximately 2:15 pm, they responded to multiple 911 calls reporting shots fired near 62nd and Dr. Martin Luther King, Jr. Drive (King Drive). While traveling to the location, the officers received a Portable Data Terminal (PDT) message indicating that a 911 caller saw someone throw an item on the side of the “big yellow building,”¹ which Officer Garcia believed was a reference to the apartment building at ██████████. The officers parked in front of ██████████ and split up. Officer Gonzalez stayed in front of the building to observe a group of people standing on the sidewalk, while Officer Garcia walked into the building’s central courtyard and began to look for the discarded item.

Officer Garcia entered the courtyard and noticed a black male, now identified as ██████████, walk toward him. When they made eye contact, ██████████ gave Officer Garcia a surprised look, grabbed his right waistband, turned around, and fled. ██████████ ignored Officer Garcia’s verbal commands to stop. The officer gave chase, pursuing ██████████ up the stairs and into an apartment on the second floor of the building. ██████████ ran through the apartment, and when he reached the back door, Officer Garcia observed him pull a black handgun from his right waistband. ██████████ exited the apartment and ran across the rear ██████████ porch with the weapon in his right hand. When he reached the end of the porch and turned to go down the stairs, ██████████ wrapped his right arm around the banister, causing the weapon in his right hand to point in Officer Garcia’s direction. Officer Garcia discharged his weapon seven times, striking ██████████ in the right wrist and right mid-back.

██████████ collapsed at the bottom of the stairs and was transported via ambulance to Stroger Hospital, where he succumbed to his injuries at 1:26 am the following morning. A black Glock Model 43, 9mm semi-automatic pistol with a fully loaded magazine was recovered from one of the porch stairs. COPA’s investigation concludes Officer Garcia reasonably believed ██████████ posed an imminent threat of death or great bodily harm, and his use of deadly force was in accordance with the Chicago Police Department (CPD) Use of Force Model and General Orders.

¹ Atts. 6, 65.

II. INVOLVED PARTIES

Involved Officer #1:	GARCIA, Julio; Star #9714; Employee # [REDACTED] Date of Appointment: October 5, 2012; Police Officer; Unit 003; Date of Birth: [REDACTED] Male; Hispanic.
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] Male; Black.

III. ALLEGATIONS

Any discharge of an officer's firearm results in a mandatory notification to COPA. This investigation was initiated pursuant to such notification. Upon conclusion of the investigation, COPA determined there was insufficient evidence to support bringing allegations of excessive force against Officer Garcia.

IV. APPLICABLE RULES AND LAWS

General Orders

1. G03-02, Use of Force (Effective Date: October 16, 2017)
2. G03-02-01, Force Options (Effective Date: October 16, 2017)
3. G03-02-03, Firearms Discharge Incidents Involving Sworn Members (Effective Date: October 16, 2017)

V. INVESTIGATION²

COPA obtained and reviewed relevant video, audio, forensic, and documentary evidence associated with this officer-involved shooting. Additionally, COPA interviewed more than fifteen (15) civilian and officer witnesses, including the involved officer. The following is a summary of the material evidence obtained and analyzed by COPA in this investigation.

a. Police Officer Interviews

Officer Julio Garcia

In a **statement to COPA on December 7, 2017, Officer Julio Garcia #9714³** stated on the date and time of the incident, he was working as a tactical officer in the 3rd District, assigned

² COPA conducted a thorough and complete investigation. The following is a summary of the material and relevant evidence gathered and relied upon in our analysis.

³ Atts. 49-52, 77. COPA also obtained and reviewed a copy of Officer Garcia's November 14, 2018 deposition in *Lashundia Key et al. v. Julio Garcia et. al.*, Case No. 18-L-2421 (Circuit Court of Cook County, Illinois), the civil lawsuit arising from this incident. Att. 163. Except as noted below, Officer Garcia related essentially the same account of the incident during his deposition that he provided to COPA.

to Beat 363B. He was driving an unmarked Ford Explorer, and his partner, Officer Juan Gonzalez, was the passenger. They were on routine patrol near 66th and Rhodes when a dispatcher instructed them to respond to a 911 call of shots fired at [REDACTED]. Officer Garcia was familiar with the apartment building and estimated that he had previously responded there approximately 50-100 times. Officer Garcia did not believe that he had any prior encounters with [REDACTED].

When Officer Garcia arrived at [REDACTED] he observed approximately three or four people standing on the sidewalk in front of the building. One of the individuals told Officer Garcia the shots were fired from a gray Pontiac, then changed the description to a different vehicle. The officers returned to their vehicle, and Officer Garcia spent approximately two to three minutes driving around the area looking for the car. At that point, they determined the information was not credible. Officer Garcia drove back to [REDACTED]. On the way, the officers received a PDT message informing them that a 911 caller reported “somebody dropped [an] item next to the yellow building.”⁴ Officer Garcia believed the caller was referring to [REDACTED] which is a yellow building. The officers were not provided the individual’s description or any information about the discarded item.

Officer Garcia parked in front of [REDACTED] and walked westbound through the tunnel-like entrance into the building’s courtyard. Officer Gonzalez was behind him, but Officer Garcia did not know if his partner followed him into the courtyard. When Officer Garcia entered the courtyard, he saw [REDACTED] less than ten feet away from him, walking toward him. Officer Garcia noticed [REDACTED] because he was the only other person in the courtyard. According to Officer Garcia, when [REDACTED] saw him, “he gave me a surprised look, and, uh, he grabbed onto his right...side of his waistband.”⁵ [REDACTED] turned around and ran in the opposite direction, and Officer Garcia told him to “stop, come back.”⁶ [REDACTED] continued to flee; at that point, Officer Garcia did not see a gun in his hands. However, due to Officer Garcia’s experience as a tactical officer, the fact that he was responding to a report of shots fired, and [REDACTED] reaction to seeing him, he believed that [REDACTED] was armed.

Officer Garcia gave chase and pursued [REDACTED] up the stairs to the second floor of the building. Officer Garcia stated that he did not have time to radio that he was in a foot pursuit, call for backup, or signal his partner. When Officer Garcia reached the second floor, he observed [REDACTED] open an apartment door and run inside. The door closed behind [REDACTED] and Officer Garcia opened it and followed him into the apartment. Officer Garcia was less than ten feet behind [REDACTED] as he pursued him through the apartment, toward the back door. Officer Garcia ran past multiple individuals inside the apartment, but he did not say anything to them, and they did not say anything to him. When [REDACTED] reached the back door, Officer Garcia saw him pull a handgun out of his waistband with his right hand. Officer Garcia drew his own weapon and followed [REDACTED] out the back door, onto the second-floor porch. Officer Garcia could not recall if he gave [REDACTED] any verbal commands to drop the gun. When [REDACTED] reached the stairs at the end of the porch, he turned to his right, raised his right arm, and pointed his gun in the officer’s direction. Officer Garcia discharged his weapon at [REDACTED] firing from a distance of less than ten feet. At the time, Officer Garcia believed he fired three or four times; he subsequently learned he fired

⁴ Att. 77, pg. 16, lines 12-13.

⁵ Att. 77, pg. 21, lines 5-7.

⁶ Att. 77, pg. 23, line 16.

seven times. Officer Garcia stopped shooting when [REDACTED] ran down the stairs, and Officer Garcia believed [REDACTED] was no longer a threat.⁷

Officer Garcia saw [REDACTED] collapse at the bottom of the stairs and realized he was shot. He used his radio to call out “shots fired by the police,” requested an ambulance, and let his partner know he was in the back of the building. [REDACTED] was unable to speak, and Officer Garcia put on latex gloves and attempted to render medical aid. He was not sure how long it took for Officer Gonzalez to locate him but stated that it “felt like it was a long time.”⁸ When Officer Gonzalez arrived at the scene, Officer Garcia told him where [REDACTED] weapon was and instructed him not to touch it. Officer Garcia remained at the bottom of the stairs with [REDACTED] for approximately five minutes, until medical personnel arrived.

Officer Juan Gonzalez

In a statement to COPA on December 7, 2017, Officer Juan Gonzalez #18933⁹ stated that on the date and time of the incident, he and his partner, Officer Julio Garcia, were dispatched to the 6100 block of S. King Drive to respond to multiple 911 calls reporting shots fired. The officers exited their vehicle at [REDACTED] where Officer Gonzalez saw a group of people standing on the sidewalk in front of the building. They asked the group about the reports of shots fired, and one of the individuals relayed that a vehicle fled the scene immediately after the gunfire. He initially described the vehicle as a Pontiac, but later said it was a gray Impala. Officer Gonzalez found these changing descriptions “kind of suspicious,”¹⁰ but he rode with Officer Garcia around the area looking for the vehicle.

While they toured the area, the officers received additional information via PDT indicating that a 911 caller reported that someone had stashed something, possibly a pistol, on the side of the yellow brick building at [REDACTED]. They returned to that location, exited their vehicle, and walked past the same group of people standing on the sidewalk. Both officers walked into the tunnel that leads into the building’s courtyard, but only Officer Garcia proceeded into the courtyard. Officer Gonzalez decided to stop in the tunnel as a safety precaution; he was concerned, based on the information they received via PDT, that the people on the sidewalk were “gonna either go pick...the item back up, or they’re gonna come ambush [us].”¹¹ One particular individual in the group drew Officer Gonzalez’s attention by repeatedly walking away and coming back. As Officer Gonzalez stood in the entrance and watched the individuals on the sidewalk, he faced east, toward King Drive. Officer Gonzalez could not see Officer Garcia, who continued westbound into the courtyard, but Officer Gonzalez believed that Officer Garcia was probably searching for the weapon stashed on the side of the building. The officers did not communicate their plans to one another, and Officer Gonzalez did not tell his partner that he stopped to observe people on the sidewalk.

⁷ During Officer Garcia’s deposition, he clarified that he continued firing as [REDACTED] ran down the first flight of stairs, still pointing his gun in the officer’s direction. Officer Garcia stopped shooting when [REDACTED] reached the first-floor landing, and Officer Garcia could no longer see [REDACTED] gun.

⁸ Att. 77, pg. 38, lines 4-5.

⁹ Atts. 49, 55, 86.

¹⁰ Att. 86, pg. 16, line 23.

¹¹ Att. 86, pg. 19, lines 10-11.

Officer Gonzalez did not see Officer Garcia approach [REDACTED] did not hear Officer Garcia say anything to [REDACTED] and was not aware that his partner was engaged in a foot pursuit. Officer Gonzalez was alerted that something was wrong when he heard several gunshots in rapid succession. At that point, Officer Gonzalez realized he needed to find his partner and identify the location of the gunshots, which sounded like they came from the south. Officer Gonzalez went into the courtyard and saw multiple people pointing to an open apartment door on the second floor, saying, "They're shooting. They're shooting. Somebody just got shot."¹² Officer Gonzalez heard his partner say "shots fired by the police" over his radio, but he could not recall if Officer Garcia provided any information about his location. Officer Gonzalez proceeded up the stairs and into the open apartment door, where he encountered a black female in her mid-twenties who stated someone was shot. Officer Gonzalez went out the apartment's back door onto the porch, where he saw his partner and [REDACTED] on the ground floor. [REDACTED] was lying on his back, near the base of the stairs, facing up. Officer Gonzalez realized [REDACTED] was the individual who was shot, and he radioed for an ambulance.

Officer Garcia pointed out a black semi-automatic pistol on one of the porch stairs and told Officer Gonzalez to keep the crowd that was gathering on the second floor of the porch away from the weapon. The angry crowd shouted profanities at Officer Gonzalez and tried to come down the stairs. At least one individual threatened him, stating, "Oh, you're gonna get what's coming. I got something for you guys."¹³ Officer Gonzalez unholstered his weapon and pointed it at the ground, both to protect himself and to keep people from taking the weapon on the stairs. Several minutes later, additional units arrived and secured the scene, at which point Officer Gonzalez went into the alley behind [REDACTED] and waited to speak with the On-Call Incident Commander (OCIC).

Officer Kevin Stephans

In a **statement to COPA on January 4, 2018, Officer Kevin Stephans #4337**¹⁴ stated that on November 29, 2017, he was the senior member of Officers Garcia and Gonzalez's tactical team. Prior to the incident, Officer Stephans recalled seeing a PDT message reporting shots fired and "a guy placing something on the side of the building"¹⁵ near the location where the officer-involved shooting occurred. Shortly thereafter, Officer Stephans heard a radio call of either a 10-1¹⁶ at [REDACTED] or a request for more units at that location. Officer Stephans and his partner, Officer Teryka Powell, responded to the location and arrived at the building approximately three minutes later. When they reached the rear of the building, Officer Stephans saw Officer Garcia and a probationary police officer (PPO) standing next to [REDACTED] who was lying on the ground with a tourniquet on his arm. Officer Gonzalez and a field training officer (FTO) were guarding a weapon on the porch stairs, as a crowd of people gathered on top of the porch. The crowd yelled "fuck the police, fuck 12, and all that other stuff"¹⁷ at the officers.

¹² Att. 86, pg. 25, lines 21-22.

¹³ Att. 86, pg. 34, lines 22-23.

¹⁴ Atts. 91, 158.

¹⁵ Att. 158, pg. 29, lines 22-23.

¹⁶ A 10-1 is a radio call indicating an officer needs immediate emergency assistance.

¹⁷ Att. 91 at 30:45.

Officer Stephans, who is a certified EMT, observed blood on [REDACTED] arm and wrist. He made sure the tourniquet was properly applied, and he opened [REDACTED] shirt to check for other injuries, at which point he saw a gunshot wound to [REDACTED] back. [REDACTED] was conscious and trying to move, but Officer Stephans could not recall if he said anything.

As the crowd of civilians grew, and additional police units arrived, Officer Stephans decided to remove Officer Garcia from the scene. Officer Stephans put Officer Garcia into the back of his squad car, which was parked in the alley behind [REDACTED] and he stayed with Officer Garcia for several hours. Officer Stephans would not allow Officer Garcia to tell him what happened, and he advised Officer Garcia not to talk about it with anyone, until their commander and the detectives arrived. After Officer Stephans was released from the scene, an evidence technician took photographs of him, to document [REDACTED] blood on his clothing. Officer Stephans did not sustain any injuries in the incident.

Additional Police Witnesses

In a **statement to COPA on January 22, 2018, Officer Teryka Powell #7642¹⁸** stated that on the date and time of the incident, she responded to [REDACTED] with her partner, Officer Kevin Stephans. When Officer Powell arrived at the scene, she saw a weapon on the porch stairs and immediately went up the stairs to assist with crowd control. She did not speak to Officer Garcia or have any interaction with [REDACTED]. She did not have any additional information relevant to this investigation.

In a **statement to COPA on January 22, 2018, Officer Nija Williams #13266¹⁹** stated that on the date and time of the incident, she and her partner, FTO Jennifer Thomas, responded to [REDACTED] for a 10-1 radio call at that location. When they arrived at the scene, [REDACTED] was in an ambulance. Officer Williams entered the ambulance and accompanied [REDACTED] to Stroger Hospital. [REDACTED] was conscious and attempted to talk, but he had a breathing mask on and she could not understand him. She did not hear him make any statements about what happened.

b. Civilian Witness Interviews

[REDACTED]

In a **statement to COPA on December 15, 2017, [REDACTED] ([REDACTED])²⁰** stated that she resides at [REDACTED] with her children and three of her siblings. On the date and time of the incident, she was at her apartment with [REDACTED] whom she knew as [REDACTED] as well as her sister [REDACTED] ([REDACTED]) and [REDACTED] friends [REDACTED] and [REDACTED].²¹ [REDACTED] stated that [REDACTED] spent the previous night at her apartment and was still there the following afternoon.

¹⁸ Atts. 97, 154.

¹⁹ Atts. 97, 145, 155. At the time of the incident, Officer Williams was a PPO.

²⁰ Atts. 74, 94. COPA also obtained and reviewed a copy of [REDACTED] October 18, 2018 deposition in *Key v. Garcia*. Att. 152. During the deposition, [REDACTED] related essentially the same account of the incident that she provided to COPA.

²¹ COPA subsequently identified [REDACTED] and [REDACTED]. COPA made numerous attempts to schedule interviews with both witnesses; however, these efforts were unsuccessful. Atts. 68, 85, 124-26.

He briefly left the apartment two or three times during the day, though [REDACTED] did not know why. [REDACTED] did not hear gunshots or noises outside prior to the incident.²²

That afternoon, [REDACTED] stated that she and [REDACTED] were getting ready to go to the store. As they put on their coats, [REDACTED] left the apartment by himself, stating that he would be right back. [REDACTED] did not know the reason he left, and she did not hear yelling or commotion outside while he was gone. Less than a minute later, [REDACTED] was standing by the front door, about to leave, when [REDACTED] returned to the apartment. [REDACTED] unlocked and opened the door and [REDACTED] ran inside, yelling, “12 run, 12 run!”²³ [REDACTED] did not see anything, including a gun or a cell phone, in [REDACTED] hands. [REDACTED] ran straight through the apartment, toward the back door. At the same time, [REDACTED] ran toward the hall closet, and [REDACTED] jumped out of his chair in the front room and shut and locked the front door. Almost immediately, Officer Garcia “bumped the door open,”²⁴ breaking the lock, and entered the apartment. His gun was already drawn, and he pointed it at [REDACTED] and the others. He asked where [REDACTED] went, but no one answered. Officer Garcia noticed the sun pouring inside as [REDACTED] opened the back door. Officer Garcia ran into the kitchen, toward the back door, and [REDACTED] followed in his direction because her baby was sleeping in the back bedroom. At the same time, [REDACTED] and [REDACTED] ran out the front door with their hands in the air.

According to [REDACTED] as Officer Garcia ran out the back door onto the porch, he started shooting at [REDACTED]²⁵ [REDACTED] heard six gunshots and saw [REDACTED] lying at the bottom of the stairs. Officer Garcia did not give [REDACTED] any verbal commands prior to firing; after he entered the apartment and asked where [REDACTED] went, “[I]t wasn’t no freeze, stop, nothing; you just heard shots literally. Once he ran from here to outside, all you heard was shots.”²⁶ After the shooting stopped, [REDACTED] ran onto the back porch, screaming and begging Officer Garcia to let her help [REDACTED] because the officer was not doing anything to stop [REDACTED] bleeding. Officer Garcia did not answer; he pointed his weapon at [REDACTED] when she tried to go down the stairs. Approximately three to five minutes later, Officer Garcia’s partner ran through the apartment and onto the back porch. He radioed for an ambulance, instructed the gathering crowd to get back, and rendered medical aid to [REDACTED]. The ambulance arrived approximately ten minutes later.

[REDACTED] stated that she did not see [REDACTED] with a weapon in his hands prior to the shooting, and she did not see a weapon on the stairs after the shooting. She did not know [REDACTED] was armed until after he was shot, when she heard him tell an officer his gun was on the porch. She later saw a photo of the recovered gun on the news, and she acknowledged that she had probably seen [REDACTED] with a similar looking gun “in the videos.”²⁷

²² [REDACTED] did not learn about the earlier reports of shots fired until after incident. [REDACTED] stated that she believed the shots were fired at the apartment building at 62nd and King Drive that is identical to [REDACTED] and the police mistakenly responded to [REDACTED].

²³ Att. 94, pg. 8, lines 23-24. The number 12 is a reference to the police. Att. 94, pg. 27, lines 17-19.

²⁴ Att. 94, pg. 11, line 7.

²⁵ During [REDACTED] deposition, she clarified that she could see Officer Garcia, but not [REDACTED] at the time the officer discharged his weapon. She also acknowledged she did not see [REDACTED] open the back door or run onto the porch. Att. 152.

²⁶ Att. 94, pg. 12, lines 10-13.

²⁷ Att. 94, pg. 20, line 20.

██████████

In a statement to COPA on December 15, 2017, ██████████ (██████████^{28, 29} stated that at the time of the incident, ██████████ was “something like”³⁰ her boyfriend. The week before the shooting he spent every night at ██████████ the apartment ██████████ shared with her mother and siblings. On the afternoon of November 29, 2017, ██████████ had just returned home from taking her niece to school. ██████████ and his friends, whom ██████████ knew only as ██████████ and ██████████” were in the front room playing a video game. As ██████████ prepared to go to the store with her sister ██████████ left the apartment to see who was outside. ██████████ did not hear yelling or loud noises outside after ██████████ left. Approximately one to two minutes later, ██████████ heard knocking at the front door and ██████████ told them to let him inside. When they unlocked and opened the door, ██████████ ran through the apartment toward the back door, saying “12, 12, runners.”³¹ ██████████ did not see anything, including a gun, in his hands. She did not know if ██████████ was armed at the time of the incident, but she acknowledged he owned a gun.³²

According to ██████████ no one closed the front door behind ██████████ and it was still a couple of inches open when Officer Garcia ran into the apartment approximately one minute later. Officer Garcia’s weapon was already drawn, and he pointed it at ██████████ and the others, “like he was aiming it...he pointed the gun at all of us.”³³ In response, ██████████ put her hands in the air. Officer Garcia asked which way ██████████ ran, and the group replied they did not know. The officer then ran through the apartment and out the back door. ██████████ stated that she did not know why Officer Garcia chased ██████████ or why ██████████ ran from Officer Garcia.

After Officer Garcia exited the apartment, ██████████ heard six or seven gunshots. ██████████ ran toward the back door, while ██████████ and ██████████ ran out the front door. When ██████████ came back inside, ██████████ told her, “They shot ██████████”³⁴ The sisters went onto the back porch and saw Officer Garcia point his weapon at ██████████ who was lying on the ground shot. ██████████ asked Officer Garcia if she could come down the stairs and help ██████████ but Officer Garcia pointed his weapon at her and told her not to move. ██████████ was certain nothing, including a gun, was on the porch stairs. She reported it took approximately 15-20 minutes for an ambulance to arrive.

²⁸ Atts. 74, 95. ██████████ was a 17-year-old juvenile at the time of the incident and on the date that she gave a statement to COPA. As a result, COPA investigators obtained the consent of ██████████ mother, ██████████ prior to taking her statement, and ██████████ was present throughout the interview. Atts. 71, 95, pg. 2, lines 13-24 and pg. 3, lines 1-13.

²⁹ COPA obtained and reviewed a copy of ██████████ October 23, 2018 deposition in *Key v. Garcia*. Att. 151. During the deposition, ██████████ related essentially the same account of the incident she provided to COPA.

³⁰ Att. 95, pg. 5, line 20.

³¹ Att. 95, pg. 8, line 18.

³² Although ██████████ deposition testimony contains a similar account of the actual incident, it differs from her COPA statement on the question of whether ██████████ owned a gun. During her deposition, ██████████ stated that she did not know ██████████ to own a gun. She explained that when she told COPA investigators otherwise, she was referring to a gun in ██████████ music videos.

³³ Att. 95, pg. 10, lines 9-10.

³⁴ Att. 95, pg. 5, line 6.

Additional Civilian Witnesses

COPA conducted a **Canvass**³⁵ of the area near the shooting scene on December 8, 2017.³⁶ In addition to [REDACTED] and [REDACTED] investigators spoke to multiple individuals who reported hearing between five and seven gunshots. Mrs. [REDACTED] of [REDACTED] saw an officer point a weapon at a person she knew as [REDACTED] (believed to be [REDACTED] after which she heard five gunshots and an unknown female screaming. She did not see who fired the shots. No one else reported seeing Officer Garcia's initial encounter with [REDACTED] the foot pursuit, or the shooting. COPA investigators also spoke to [REDACTED] the manager of [REDACTED] who stated that he gave CPD the "VCR" to which the building's security cameras transmitted. He did not know if the cameras were working at the time of the incident.

c. Digital Evidence

COPA obtained and reviewed the **Body Worn Camera (BWC) videos of Officers Garcia and Gonzalez**³⁷ relevant to this incident. Both officers turned on their BWCs at approximately 2:15 pm,³⁸ on November 29, 2017. The videos show the officers driving to [REDACTED] where they arrive approximately three minutes later. As they exit their vehicle and approach the building, Officer Garcia asks a person standing on the sidewalk, "Who's shooting, man?"³⁹ The individual responds that the shots came from a gray Pontiac Grand Prix, with tinted windows, driving down 62nd. Upon further questioning, he says it is also possible the vehicle was a Chevy Malibu. As Officer Garcia talks to the individual, Officer Gonzalez walks into the central courtyard of [REDACTED] where he appears to look for something on the sides of the building. The officers get back in their vehicle and drive around the area, looking for the vehicle the individual described. At 2:21 pm, both officers turn off their BWCs, while in their vehicle.

At 2:24:34 pm, Officer Garcia's BWC captures him inside the courtyard at [REDACTED] running up the stairs to the second floor of the building. As he emerges onto the front [REDACTED] porch, the camera captures a male, now identified as [REDACTED] standing in front of a closed apartment door. Officer Garcia runs toward [REDACTED] as the apartment door opens, and [REDACTED] goes inside. Officer Garcia pushes the door open and follows [REDACTED] into the apartment. As Officer Garcia enters, the camera captures a black male, now identified as [REDACTED] sitting in a chair in the front room, holding a controller. Two black females, now identified as [REDACTED] and [REDACTED] are standing in the doorway of what appears to be a closet. Officer Garcia runs through the apartment into the kitchen, where [REDACTED] becomes fully visible for the first time. [REDACTED] is wearing a black jacket, blue jeans, and boots. As [REDACTED] opens the back door with his left hand, he uses his right hand to retrieve what appears to be a black handgun from his right side.

³⁵ Atts. 63, 64, 67.

³⁶ An earlier canvass was attempted on December 5, 2017, but it was delayed due to safety concerns.

³⁷ Att. 46. COPA also obtained and reviewed 127 BWC videos from officers who responded to [REDACTED] following the incident, but none of them contained relevant footage of the shooting or the events preceding it. Atts. 48, 80, 106-107.

³⁸ The timestamp on both officers' BWCs is set to Universal Coordinated Time (UTC), which is six hours ahead of Central Standard Time (CST). For the purposes of this report, all times have been adjusted to CST.

³⁹ Att. 46, Officer Garcia's BWC at 2:18:33 pm.

At 2:24:45 pm, [REDACTED] exits the back door and runs across the rear second-floor porch, holding the weapon and what appears to be a cell phone, with a red case, in his right hand. At the same time, Officer Garcia steps onto the porch and a shadow on the wall shows him drawing his weapon. At 2:24:47 pm, [REDACTED] turns to his right and begins running down the stairs. As he does, he wraps his right arm around the banister, and the muzzle of the gun in his right hand appears to be pointed in Officer Garcia's direction. Officer Garcia points his weapon at [REDACTED] and begins running across the porch, toward the stairs.⁴⁰ [REDACTED] runs out of the frame of the camera as he descends the stairs. At 2:24:50 pm, Officer Garcia reaches the top of the staircase and lowers his weapon. As he descends the stairs, the camera captures [REDACTED] lying on his back at the bottom of the stairs, with both of his legs sprawled upwards on the bottom steps. It is at this point, Officer Garcia activates his BWC⁴¹ and uses his radio to request an ambulance and additional units. [REDACTED] looks at Officer Garcia and puts both of his hands in the air. His right hand and wrist appear to be covered in blood.

[REDACTED] who is now standing on the second floor of the porch, asks Officer Garcia if she can come down to help [REDACTED]. Officer Garcia is on his radio, reporting, "Shots fired by police," and does not respond to [REDACTED]. At approximately the same time, Officer Gonzalez's BWC shows him running into the courtyard of [REDACTED] up the stairs, through the apartment, and out the back door. When Officer Gonzalez arrives at the scene, Officer Garcia points to an object on the stairs and tells him, "Secure that weapon."⁴² Officer Gonzalez radios in the recovered weapon and, approximately 90 seconds after the shooting, Officer Gonzalez's camera captures the first close-up shot of the black handgun on the stairs.⁴³

After Officer Gonzalez descends the stairs, he tells [REDACTED] "Don't move, brother." [REDACTED] responds, "I can't breathe."⁴⁴ Officer Garcia puts on latex gloves and begins to render medical aid to [REDACTED]. At the same time, a crowd of civilians start gathering on the second-floor porch, screaming and yelling. Officer Garcia tells Officer Gonzalez to get his weapon out. Officer Gonzalez draws his weapon and stands guard over the gun on the stairs, instructing the civilians to stay back. One male civilian, standing on the porch, appears to tell the officers, "I've got something for you, too."⁴⁵ Additional officers arrive at the scene and one of them places a tourniquet on [REDACTED] right arm. EMS personnel arrive at 2:32:11 pm, and Officer Garcia tells them [REDACTED] is shot in the back and arm. Officer Stephens takes hold of Officer Garcia and leads him away from the scene.

⁴⁰ There is no audio of the shooting, so it cannot be determined exactly when Officer Garcia first discharged his weapon. Officer Garcia's BWC video suggests he may have fired all seven shots between 2:24:47 pm and 2:24:50 pm.

⁴¹ At the time an officer activates a BWC, the previous 30 seconds of video is stored without audio. Officer Garcia told COPA investigators he did not remember to activate his BWC until after the shooting, as the camera was new equipment assigned to him approximately two weeks prior to the incident.

⁴² Att. 46, Officer Garcia's BWC at 2:25:44 pm.

⁴³ Att. 46, Officer Gonzalez's BWC at 2:26:10 pm. Although this is the first close-up view of the handgun, Officer Garcia's BWC video captures partial, more distant images of the weapon on the stairs beginning at 2:25:07 pm, approximately 15-20 seconds after the shooting.

⁴⁴ Att. 46, Officer Gonzalez's BWC at 2:26:10 pm.

⁴⁵ Att. 46, Officer Gonzalez's BWC at 2:28:26 pm.



Figure 1. Screenshot from Officer Garcia's BWC showing [REDACTED] holding what appears to be a weapon in his right hand as he exits the apartment's back door.

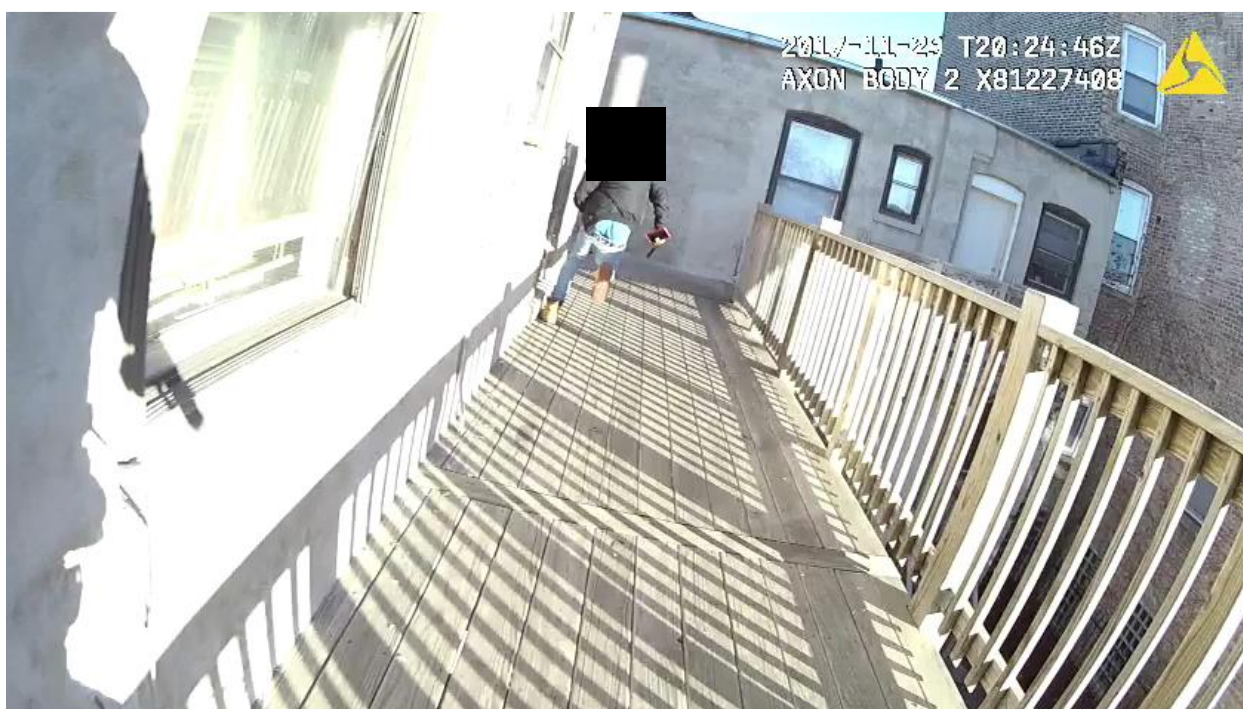


Figure 2. Screenshot from Officer Garcia's BWC showing [REDACTED] running down the second-floor porch, with what appears to be a weapon (based on the photo in Figure 1) and a cell phone in his right hand.



Figure 3. Screenshot from Officer Garcia's BWC as [REDACTED] grabs the banister with his right hand, holding what appears to be the cell phone and weapon in the same hand (based on the items in his hand in Figures 1 and 2).



Figure 4. Screenshot from Officer Gonzalez's BWC of the black Model 43 pistol recovered from the stairs, captured approximately 90 seconds after the shooting.

COPA requested the **In-Car Camera (ICC) video for Beat 363B**⁴⁶; however, the vehicle was not equipped with an ICC on the date of the incident. COPA also obtained and reviewed 84 ICC videos from vehicles that responded to [REDACTED] following the incident; none of them contained relevant footage of the shooting or preceding events.⁴⁷

COPA obtained the video footage from **Police Observation Device (POD) #7306 (OEMC)/Operation Virtual Shield**,⁴⁸ which is located at 6100 S. King. The POD faced the northeast corner of 61st Street and King Drive at the time of the incident and did not capture any relevant video.

At the time of the incident, there were **three security cameras on the exterior of** [REDACTED]⁴⁹ one of which was located on the second-floor porch where the incident occurred. Detectives recovered the DVR unit the cameras transmitted to and submitted it to the Chicago Regional Computer Forensics Laboratory (RCFL) for forensic examination. The RCFL examiner was unable to locate any video from the date of the incident.⁵⁰

The **911 Calls received by OEMC**⁵¹ include the following relevant communications:

- 2:13:22 pm An anonymous caller who is walking near 63rd and King Drive reports hearing 3-4 gunshots.
- 2:13:35pm An anonymous caller reports hearing two to three gunshots “on the side” of 62nd and King. The caller asks the dispatcher to “tell the officers when they come over here, you know that yellow building across the street? They be on the side. The other day when they was shooting I saw somebody throw something over there, cause I don’t know if they be keeping guns over there or what... You know that big yellow building on King Drive? I live right across the street from that building...”⁵²

⁴⁶ Atts. 80, 141.

⁴⁷ Atts. 106-107.

⁴⁸ Atts. 45.

⁴⁹ Att. 20, pg. 1, Att. 110, pg. 16.

⁵⁰ Att. 128. The RCFL examiner found that the most recent video saved on the DVR unit was from March 23, 2015.

⁵¹ Att. 65. A COPA investigator spoke to five of the 911 callers following the incident. None of the callers reported seeing the individual(s) who fired the original gunshots, the initial encounter between Officer Garcia and [REDACTED] or the officer-involved shooting. One caller reported she saw [REDACTED] lying on the ground and a police officer standing over him after he was shot, and another caller observed the police wheeling [REDACTED] into an ambulance following the shooting. Att. 66.

⁵² When a COPA investigator followed-up with the caller (now identified as [REDACTED]), she stated she was inside her apartment at [REDACTED] when she heard two gunshots, then three more several seconds later. She looked out her front window and saw a young black male in a gray hoodie leaning out of a window in the big yellow building across the street from her apartment. The male dropped several items that looked like guns onto the side of the building facing King Drive. [REDACTED] saw three or four other males walking on King Drive, whom she believed might have picked up the items, but she was not sure because she withdrew from her window in fear. Att. 66. Based on [REDACTED] address and the description she provided to COPA, it is likely that the yellow building she referenced in her 911 call was 6204 S. King Drive, which is directly across the street from her apartment. It is similar in appearance, layout, and construction to [REDACTED] Att. 142. It does not appear that Officers Garcia and Gonzalez received this information or [REDACTED] description of the male who dropped the items.

- 2:13:54 pm An anonymous caller reports hearing five gunshots on the 6200 block of S. King Drive.
- 2:25:07 pm An anonymous caller who lives on the 6100 block of S. King Drive states he just heard five gunshots from his bedroom window.
- 2:25:42 pm An anonymous caller who lives at 61st and King Drive reports hearing “heavy gunfire coming out these—and from the back and the front...I heard like three [gunshots] earlier and three just now, from the back.” She states the earlier gunshots occurred approximately 20 minutes ago.
- 2:26:08 pm An anonymous caller states she just heard five gunshots at 61st and King Drive.
- 2:26:48 pm An anonymous woman calls 911 screaming unintelligibly. She then requests an ambulance at 61st and King Drive.
- 2:36:59 pm An anonymous caller requests an ambulance at 62nd and King Drive, stating, “Somebody’s shot. I need the ambulance. 62nd and King Drive. In the tunnel...It’s a million polices, but no ambulance. Where’s the ambulance?”

The **OEMC Event Queries⁵³** and **Zone 7 Radio Transmissions⁵⁴** document the following relevant and material communications:

- 2:14:48 pm Beat 363B is dispatched to 6200 S. King Drive to respond to a 911 call of shots fired. The dispatcher states a second caller heard three to four gunshots at 63rd and King Drive. Officer Gonzalez acknowledges the assignment over the radio and via PDT.
- 2:16:18 pm Officer Gonzalez sends a PDT message indicating he and Officer Garcia arrived at the scene.
- 2:16:41 pm The dispatcher reports another 911 call of shots fired at 6200 S. King Drive, stating the caller “heard six shots fired; there’s a big yellow building on King Drive. They threw something on the side of the building. No further info.” Officer Gonzalez acknowledges the report via PDT.
- 2:24:55 pm Officer Garcia: “[Unintelligible]. Shots fired. Shots fired, 62 and King, in the back. 62 and King, in the back.”
- 2:25:18 pm Officer Garcia: “Get me, get me, uh, an ambulance, get me an ambulance in the back. 62 and King.”
- 2:25:36 pm The dispatcher asks how many people are shot, and Officer Garcia responds, “One person shot. Shots fired by police. Shots fired by police.” He then requests an ambulance at [REDACTED] in the back.

⁵³ Atts. 6-8.

⁵⁴ The OEMC radio transmissions quoted herein were transcribed by a COPA investigator. They do not include every transmission made within this time frame. For the full content, see Att. 65.

2:26:23 pm Officer Gonzalez: "Squad, be advised, we've got a weapon recovered over here."

2:26:52 pm Officer Gonzalez: "Squad get me some more cars over here, cars over here...Back of the building squad, get me some more cars over here, ASAP."

2:27:11 pm Dispatcher: "Alright 10-1 units, 10-1. 10-1. Units I'm issuing a 10-1, 6124 King; 6124 King. We got shots fired by the police. We got a 10-1, 10-1. 3rd District."

2:28:42 pm The dispatcher asks if any officers are injured, and an unknown officer responds, "Negative. [Unintelligible.] Everything so far so good—no officers, just one person down. Need the ambulance over here."

Evidence Technician (ET) Photographs⁵⁵ and Crime Scene Video⁵⁶ depict the shooting scene from various angles. They include images of the expended shells and fired bullets, the Glock Model 43 pistol recovered from the rear first-floor steps, and a broken cell phone and red case (both with suspected bullet damage) recovered from the rear first-floor landing. The photographs also show suspected bullet damage to the wooden balusters, handrails, and support beams on the rear porch and stairwell. Additionally, the photographs capture suspected blood stains on the first-floor landing handrail, the bottom first-floor step, and the ground in the rear courtyard. At Stroger Hospital, an ET took photographs of [REDACTED] and his clothing. At the Area Central Detective Division, an ET photographed Officers Garcia, Gonzalez, and Stephans.

d. Physical Evidence

According to the **Inventory Sheets⁵⁷ and Crime Scene Processing Reports⁵⁸**, items recovered from the shooting scene include seven Winchester (Win) 9mm Luger +P fired cartridge cases and two fired bullets, a black Glock Model 43, 9mm semi-automatic pistol (Serial #ZSU918) recovered from the rear first-floor steps, and a broken LG cell phone with a red case recovered from the rear first-floor landing. Additionally, one Winchester (WMA 16) 9mm Luger fired cartridge case and one Federal (FC) 9mm Luger fired cartridge case were located in the alley at 6126 S. King Drive. At Stroger Hospital, an evidence technician recovered [REDACTED] clothing and personal property, as well as a fired bullet that doctors removed from [REDACTED] during surgery. The following morning, the M.E. recovered a second fired bullet from [REDACTED] body.⁵⁹

The inventory sheets (and related firearms worksheets) also document the processing of Officer Garcia's Glock Model 17 pistol and the Glock Model 43 pistol recovered from the scene. Officer Garcia's weapon, which had a 17-round capacity magazine, was found to have ten live rounds of ammunition in the magazine and one live round in the chamber of the weapon. The Glock Model 43 pistol contained a six-round capacity magazine, fully loaded, with ammunition from unknown manufacturer(s). The weapon did not have a round in the chamber.

⁵⁵ Atts. 58-61.

⁵⁶ Att. 146.

⁵⁷ Atts. 20, 138.

⁵⁸ Atts. 35-36, 39, 79, 119, 148.

⁵⁹ According to the M.E., [REDACTED] suffered this gunshot wound in December 2015, when he and another individual were shot by two unknown males while walking on the 6100 block of S. King. Atts. 115, 118, 137.

Illinois State Police (ISP) Forensic Science Laboratory Reports #C17-022876 and C18-017927⁶⁰ document the examination of recovered firearms evidence in this investigation. An analysis of the reports resulted in the following relevant facts.

A Glock Model 43, 9mm semi-automatic pistol was submitted with a magazine and six live (unfired) cartridges. An ISP forensic scientist test fired the weapon and determined it to be operable as received. A test-fired cartridge was entered into the IBIS⁶¹ database; however, no identification was made to any other cartridges in the database. The examination of the Glock Model 43 pistol, magazine, and six cartridges did not reveal any latent fingerprint impressions suitable for comparison. The examination of Officer Garcia's Glock Model 17, 9mm semi-automatic pistol determined it to be operable as received and was test fired.

Two Winchester 9mm Luger +P fired cartridge cases recovered from the ground in the rear courtyard and five Winchester 9mm Luger +P fired cartridge cases recovered from the rear second-floor porch were fired by Officer Garcia's weapon.

One fired bullet recovered from the ground in the rear courtyard, one fired bullet fragment recovered from the rear second-floor porch, and one fired bullet removed from ██████ during surgery at Stroger Hospital, were fired from Officer Garcia's weapon. One fired bullet recovered from ██████ body by the medical examiner was not fired from Officer Garcia's weapon. It could not be identified or eliminated as fired from the Glock Model 43 pistol.⁶²

One Federal (FC) 9mm Luger fired cartridge case recovered from the alley, at 6126 S. King Drive, was identified as fired by the Glock Model 43 pistol. One Winchester (WMA 16) 9mm Luger fired cartridge case recovered from the alley, at 6126 S. King Drive, was not fired from either Officer Garcia's weapon or the Glock Model 43 pistol. The examination of the Federal 9mm Luger and the Winchester 9mm Luger fired cartridge cases did not reveal any latent fingerprint impressions suitable for comparison.

The **Chicago Fire Department (CFD) Ambulance Report⁶³** states that paramedics from Ambulance 38 were dispatched to ██████ at 2:27:05 pm, and on their way at 2:27:14 pm. They arrived at 2:30:49 pm and found ██████ on the ground, oriented, and alert, with labored breathing. ██████ stated that he was shot and complained of shortness of breath. Paramedics determined ██████ had one gunshot wound to the right upper back and one gunshot wound to the right wrist. He had good bilateral breath sounds, and a pressure dressing was applied to control the bleeding from his wrist. Ambulance 38 departed the scene at 2:40:15 pm and arrived at Stroger Hospital at 2:57:44 pm, where the paramedics transferred ██████ to the trauma unit without incident.

⁶⁰ Atts. 123, 129, 132, 147. COPA also requested that ISP test ██████ clothing for the presence of gunshot residue. As of the date of this report, that request is still pending. Att. 43.

⁶¹ Integrated Ballistics Identification System, which compares fired evidence to other crimes.

⁶² COPA believes it is more likely than not that ██████ sustained this gunshot wound in an earlier unrelated incident.

⁶³ Att. 62. COPA investigators interviewed both paramedics who treated ██████ but neither provided any additional information relevant to this investigation. Atts. 101, 143-44, 156-57.

The **Medical Records from Stroger Hospital**⁶⁴ indicate that [REDACTED] was admitted to the Trauma ICU at 2:59 pm on November 29, 2017. Upon arrival, he presented with two gunshot wounds to the right wrist and one gunshot wound to the right mid-back, with clinical paralysis of the lower limbs. Doctors performed an emergency laparotomy and thoracotomy and removed the projectile from [REDACTED] upper abdomen,⁶⁵ but the surgery and attempts at interventional radiology were complicated by extensive scar tissue in [REDACTED] stomach resulting from a December 2015 gunshot wound. Dr. Kristina Guyton pronounced [REDACTED] deceased at 1:26 am on November 30, 2017.

The **Medical Examiner (M.E.) Investigations Case Report**⁶⁶ states that Dr. Guyton notified the M.E.'s Office of [REDACTED] death at 1:32 am on November 30, 2017.⁶⁷ The M.E.'s investigator responded to Stroger Hospital, where Dr. Guyton related that [REDACTED] suffered two gunshot wounds to his right wrist and one to his back. She stated that a projectile was removed from [REDACTED] right epigastric area and inventoried as evidence, but a projectile from an unrelated⁶⁸ gunshot wound remained lodged in [REDACTED] right flank.

The **Report of Postmortem Examination**⁶⁹ indicates that the autopsy of [REDACTED] was performed in the morgue of the Cook County M.E.'s Office on November 30, 2017, at 7:30 am. The autopsy determined that [REDACTED] sustained one gunshot wound to the right back and one gunshot wound to the right forearm.⁷⁰ The projectile that entered [REDACTED] right back traveled through skin and muscular tissue and fractured his right 10th and 11th posterior ribs. It entered the right chest cavity, perforated the lower lobe of the right lung and the liver, and lodged in the epigastric region's soft tissues. The direction of the wound track was back to front, downward, and slightly right to left. The report notes the projectile was not recovered during the autopsy as, according to [REDACTED] medical records, it was removed during surgery at the hospital.⁷¹

The gunshot wound to [REDACTED] forearm entered his distal anterolateral right forearm and exited his distal anteromedial right forearm. The report notes that the wound track was surgically manipulated. The trajectory of the projectile was right to left, downward, and slightly front to back. Both gunshot wounds were of indeterminate range with no evidence of close-range firing such as soot or stippling. The pathologist determined the cause of death was multiple gunshot wounds, and the manner of death, Homicide.

A **Breathalyzer Test**⁷² taken by Officer Garcia at 6:36 pm on November 29, 2017, revealed that his BAC was .000. Officer Garcia also submitted to a urine drug test at 6:30 pm on the same date, which produced negative results.

⁶⁴ Att. 87.

⁶⁵ Att. 87, pgs. 13-14.

⁶⁶ Att. 118.

⁶⁷ The M.E.'s Office was also notified of the death by Officer Norman Coleman #8793, who related that [REDACTED] was reportedly shot by the police during a foot pursuit.

⁶⁸ Att. 87, pg. 6 and Att. 137.

⁶⁹ Atts. 78, 115.

⁷⁰ This is also referred to as the gunshot wound to [REDACTED] right wrist.

⁷¹ Atts. 87, 138. The pathologist recovered an unrelated projectile from [REDACTED] lateral lower right chest.

⁷² Att. 75.

e. **Documentary Evidence**

The **Detectives' Supplementary Reports and General Progress Reports (GPRs) for RD #JA529767/Aggravated Assault PO: Handgun**⁷³ include the assigned detectives' notes from their interviews with Officers Garcia and Gonzalez, which contain essentially the same information the officers provided during their statements to COPA. Additionally, the reports document the detectives' interviews with civilian witnesses [REDACTED] and [REDACTED] Laws, who provided the following information:⁷⁴

- [REDACTED] told detectives he was inside [REDACTED] playing video games at the time of the incident. He saw [REDACTED] enter the front door, followed by Officer Garcia, and then run out of the apartment. [REDACTED] did not see [REDACTED] with anything in his hands. He heard multiple gunshots but did not see the shooting. [REDACTED] acknowledged he saw [REDACTED] prior to the incident, but he refused to provide further details to the detectives.
- [REDACTED] stated that he was playing video games inside [REDACTED] at the time of the incident. [REDACTED] saw [REDACTED] whom he told detectives he did not know, run through the apartment followed by the police. He heard gunshots but did not see the shooting.

The **Tactical Response Report (TRR)**⁷⁵ completed by Officer Garcia indicates that he was on-duty, in civilian dress, and working with a partner at the time of the incident. The report states that [REDACTED] did not follow verbal directions, fled, posed an imminent threat of battery with a weapon (a semi-automatic pistol), and used force likely to cause death or great bodily harm. Officer Garcia responded with member presence, verbal direction/control techniques, and discharged his firearm seven times. Officer Garcia did not sustain injuries, from the incident.

According to the **Arrest Report**⁷⁶, Officers Vickie Williams #14382 and Jose Rivera #14928 arrested [REDACTED] at 2:25 pm on November 29, 2017, at [REDACTED]. He was charged with aggravated assault on a peace officer with a weapon and the unlawful use or possession of a weapon by a felon. The incident narrative states that Officer Garcia was responding to a call of shots fired when he encountered [REDACTED]. A foot pursuit ensued, during which Officer Garcia observed [REDACTED] "armed with a handgun. The arrestee pointed said handgun at P.O. Garcia #9714, who discharged his duty weapon striking the arrestee."⁷⁷

The **Major Incident Notification Report**⁷⁸ and **COPA's Preliminary Report**⁷⁹ restate essentially the same information as the Introduction of this report, with fewer details.

⁷³ Atts. 47, 90, 108-111, 121-122.

⁷⁴ Att. 47 at pg. 4, Att. 122 at pgs. 135-139.

⁷⁵ Att. 40. At the time that Officer Garcia completed the TRR, [REDACTED] was alive. As a result, Officer Garcia checked the box identifying [REDACTED] injuries as "Non-fatal- Major injury."

⁷⁶ Att. 41.

⁷⁷ Att. 41, pg. 2.

⁷⁸ Att. 57.

⁷⁹ Att. 5.

f. Additional Evidence

The **Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center Report, Trace #T20170390250**,⁸⁰ documents that on July 24, 2015, [REDACTED] of Fairdale, West Virginia purchased the Glock Model 43 pistol from Ds' Sportsman's Corner, at 118 Moran Ave., Mullens, WV 25882.

The **Complaint at Law in the Circuit Court of Cook County, Illinois (2018-L002421)**⁸¹ alleges Officer Garcia shot [REDACTED] without justification, on November 29, 2017, causing [REDACTED] death.⁸² As of the date of this report, the case is pending.

VI. ANALYSIS

a. Legal Standard

1. Use of Deadly Force

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁸³ Factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the subject was posing an imminent threat to the officer or others; (2) the risk of harm, level of threat or resistance presented by the subject; and (3) the subject's proximity or access to weapons; (4) the severity of the crime at issue; (5) whether the subject is actively resisting arrest or attempting to evade arrest by flight.⁸⁴

Department policy dictates that "[t]he use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁸⁵ Thus, a Department member may use deadly force in only two situations. First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person. Second, deadly force may be used to prevent an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.⁸⁶ "A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are likely to cause death or great bodily harm to the member or others unless action is taken; and
- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm."⁸⁷

⁸⁰ Att. 116.

⁸¹ Att. 150.

⁸² COPA obtained and reviewed copies of all of the depositions taken in connection with this lawsuit through August 29, 2019.

⁸³ General Order G03-02(III)(B)(1).

⁸⁴ *Id.*; *Graham v. Connor*, 490 U.S. 386, 396 (1989).

⁸⁵ General Order G03-02(III)(C)(3).

⁸⁶ *Id.*

⁸⁷ General Order G03-02(III)(C)(2).

Department policy recognizes that Department members must “make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight.”⁸⁸

2. Standard of Proof

The applicable standard of proof is a **preponderance of evidence**. A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct reviewed violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not).

b. Legal Analysis

COPA’s analysis of Officer Garcia’s use of deadly force rests on two major questions: (1) whether Officer Garcia reasonably believed [REDACTED] possessed a firearm at the time of the incident, and (2) whether Officer Garcia reasonably believed [REDACTED] pointed a firearm in his direction. After resolving these questions, COPA will address whether Officer Garcia reasonably believed that [REDACTED] posed an imminent threat of death or great bodily harm and whether deadly force was necessary to eliminate the threat.

1. Officer Garcia Reasonably Believed [REDACTED] Possessed a Firearm

Officer Garcia stated that when he encountered [REDACTED] in the courtyard of [REDACTED] [REDACTED] grabbed his right waistband, ignored verbal commands, and fled. [REDACTED] ran inside a [REDACTED] apartment, where Officer Garcia observed [REDACTED] pull a black handgun out of his waistband with his right hand. According to Officer Garcia, when [REDACTED] ran onto the back porch, he turned to his right and pointed the gun in Officer Garcia’s direction.

A preponderance of the evidence demonstrates both that Officer Garcia reasonably believed [REDACTED] possessed a firearm, and that [REDACTED] in fact, possessed a firearm during the incident.

Officer Garcia’s statement that [REDACTED] was armed is consistent with his BWC video. At 2:24:44 pm, the video captures [REDACTED] exiting the apartment’s back door, retrieving what appears to be a black handgun from his waistband. [REDACTED] runs across the porch with the gun in his right hand and, as he begins descending the stairs, the gun appears to point in Officer Garcia’s direction. After the shooting, the BWC videos of both Officers Garcia and Gonzalez show [REDACTED] lying on the ground at the base of the stairs, and a black handgun on one of the stairs above him.⁸⁹ The

⁸⁸ General Order G03-02(II)(D).

⁸⁹ Officer Gonzalez’s BWC video captures the first close-up shot of the weapon approximately 90 seconds after the shooting. The handgun is partially visible on Officer Garcia’s BWC video as early as 15-20 seconds after the incident.

videos also capture Officer Garcia instructing Officer Gonzalez to secure the weapon, and Officer Gonzalez radioing dispatch, “Be advised, we’ve got a weapon recovered over here.”

An evidence technician subsequently recovered a black Model 43 pistol, with a fully loaded magazine, from the porch stairs. Although ISP did not find any suitable fingerprints on the weapon to forensically link it to ██████⁹⁰ COPA finds that the recovery of the weapon, coupled with the officers’ statements and BWC videos, is persuasive evidence that ██████ was armed at the time of the incident.

COPA also considered the statements of the two civilian witnesses, ██████ and ██████ who denied seeing ██████ with a weapon at the time of the incident. Both witnesses reported that ██████ did not have anything in his hands when he ran into the apartment; however, their accounts are consistent with Officer Garcia’s statement that ██████ did not pull out the gun until he was exiting the back door of the apartment. Neither ██████ nor ██████ had a clear view of ██████ at that time,⁹¹ or as he ran down the porch stairs. Additionally, although ██████ stated that she did not know if ██████ was armed on the date of the incident, during her COPA statement she acknowledged that he owned a gun. ██████ also said that she had “probably” seen videos of ██████ in which he possessed a gun similar in appearance to the one recovered from the porch stairs.⁹²

Taken together, the officers’ respective statements and BWC videos, the firearm recovered from the scene, and ██████ admission that ██████ owned a gun make it more likely than not that ██████ was armed at the time of his encounter with Officer Garcia.

2. Officer Garcia Reasonably Believed ██████ Pointed a Firearm in His Direction

A firearm is a deadly weapon. *See People v. Nickolopoulos*, 25 Ill. 2d 451, 454 (1962). However, mere possession of a firearm does not, in and of itself, justify a reasonable belief deadly force is necessary to prevent death or great bodily harm. Rather, it is one of several factors to be considered. *See Wienmann v. McClone*, 787 F.3d 444, 448 (7th Cir. 2015).

Officer Garcia stated that when ██████ reached the stairs at the end of the porch, ██████ turned to his right, raised his right arm, and pointed his gun in Officer Garcia’s direction. Fearing for his safety, Officer Garcia fired seven shots at ██████ from a distance of less than ten feet. Officer Garcia’s BWC video is materially consistent with his account of the shooting. Officer Garcia’s BWC demonstrates that as ██████ turned to go down the porch stairs, he wrapped his right arm around the banister, causing the muzzle of the gun in his right hand to point in Officer Garcia’s direction. The video, coupled with Officer Garcia’s statement and the firearm recovered

⁹⁰ COPA notes that firearms commonly do not have suitable fingerprints to forensically link a firearm to a specific person, for a variety of reasons.

⁹¹ Att. 152, pgs. 61-63; Att. 151, pgs. 57-58.

⁹² According to ██████ after the shooting ██████ admitted he was armed, telling one of the officers that his gun was on the porch. The BWC videos of Officers Garcia and Gonzalez, however, do not capture ██████ saying anything other than “I can’t breathe.” As a result, COPA finds that ██████ did not make this admission. ██████ may have heard Officer Garcia telling other officers that there was a weapon on the porch stairs.

from the porch stairs, is compelling evidence that ██████ not only possessed a gun, but that ██████ reasonably appeared to be pointing the firearm in the direction of Officer Garcia.⁹³

There are no known independent witnesses to ██████ actions at the time of the shooting. ██████ stated that she was standing in the entrance to her kitchen when she saw Officer Garcia discharge his weapon as he ran out the back door. From that location, ██████ could not have seen ██████ as he rounded the porch stairs, and ██████ acknowledged as much during her deposition. None of the other occupants of the apartment witnessed any portion of the shooting,⁹⁴ and Officer Gonzalez reported that he was standing in front of ██████ at the time of the shooting. However, Officer Gonzalez stated that when he arrived at the shooting scene, Officer Garcia immediately pointed out a black handgun on the porch stairs and told him to secure it.

3. Officer Garcia Reasonably Believed ██████ Posed an Imminent Risk of Death or Great Bodily Harm and that Deadly Force was Necessary to Eliminate the Threat

COPA finds that an officer with similar training and experience as Officer Garcia would reasonably believe that ██████ posed an imminent threat of death or great bodily harm, and that deadly force was reasonably necessary to eliminate the threat under the totality of the circumstances confronting Officer Garcia. Officer Garcia was confronted with a situation where: 1) he was responding to multiple 911 calls of shots fired; 2) he made eye contact with ██████ who looked surprised and grabbed his right waistband; 3) ██████ turned around and fled, ignoring Officer Garcia's verbal commands to stop; 4) ██████ produced a handgun as he ran through an apartment; 5) ██████ continued to hold the gun in his right hand as he exited the apartment and ran across the porch; and 6) as ██████ turned down the porch stairs, he wrapped his right arm around the banister and the gun pointed in Officer Garcia's direction. Officer Garcia's use of force must be evaluated based on the information available to him when he discharged his firearm, not with the benefit of hindsight. *Graham v. Connor*, 490 U.S. 386, 397 (1989). The video evidence indicates that Officer Garcia did not draw his weapon until he saw ██████ holding a gun in his right hand, and he did not fire until he saw ██████ pointing the gun in his direction. Regardless of whether ██████ intentionally pointed his gun at the officer or whether he did it inadvertently as he turned down the stairs, his actions reasonably constituted an imminent threat of deadly force, particularly since Officer Garcia had reason to believe that ██████ may have discharged a firearm earlier that day. Officer Garcia was required to make a split-second decision under circumstances that were tense, uncertain, and rapidly evolving. He responded by discharging his weapon, and then deescalated when he saw ██████ drop his weapon and collapse on the ground, ending the

⁹³ COPA recognizes that ██████ may not have intended to point his weapon at Officer Garcia. However, ██████ subjective intent is not controlling. When ██████ turned down the stairs, his weapon was pointed in Officer Garcia's direction.

⁹⁴ In addition to ██████ there were three other people inside of the apartment at the time of the incident: ██████ ██████ and ██████. ██████ told COPA that she was in the front room of the apartment with ██████ and ██████ when she heard six or seven gunshots. She immediately ran out the front door and did not see who fired the shots. Similarly, ██████ and ██████ told CPD detectives that they heard gunshots but did not see the shooting.

threat.⁹⁵ After the shooting, Officer Garcia immediately requested an ambulance as required by Department policy.⁹⁶

Based on the totality of these circumstances, Officer Garcia reasonably believed that [REDACTED] posed an imminent threat of death or great bodily harm, and that deadly force was reasonably necessary to eliminate the threat. Officer Garcia's use of deadly force was in accordance with Department policy. *See Bell v. Crow*, 321 F. 3d 637, 639 (7th Cir. 2003) (if a suspect threatens an officer with a weapon, the risk of serious physical harm has been established such that the police may use deadly force).

VII. CONCLUSION

Based on the analysis set forth above, COPA concludes that Officer Garcia's use of deadly force was **Within Department Policy**.

VIII. RECOMMENDATION

Officer Garcia received his BWC approximately three weeks prior to this incident and, as uncovered during the course of this investigation, his BWC activation was untimely. COPA recommends the Department consider auditing Officer Garcia's compliance with the BWC directive⁹⁷ since the date of this incident, for whatever action the Department deems appropriate.

Approved:

[REDACTED]

9-12-19

Angela Hearts-Glass
Deputy Chief Administrator-Chief Investigator

Date

[REDACTED]

9-12-19

Sydney Roberts
Chief Administrator

Date

⁹⁵ Officer Garcia asserted [REDACTED] continued to point the firearm in his direction while he was descending the stairs. There is no independent evidence to confirm or dispel Officer Garcia's perception. Regardless, given that Officer Garcia reasonably perceived that [REDACTED] pointed the firearm in his direction as he turned to go down the stairs, it was objectively reasonable for Officer Garcia to discharge seven shots in approximately two seconds, until he lost sight of the firearm.

⁹⁶ Officer Garcia also rendered medical aid to [REDACTED]

⁹⁷ Special Order S03-14.

Appendix A

Assigned Investigative Staff

Squad#:	8
Major Case Specialist:	Steffany Hreno
Supervising Investigator:	Robert Coleman
Deputy Chief Administrator:	Angela Hearts-Glass